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BEFORE THE DEPT. OF TRANSPORTATION
DEPARTMENT OF TRANSPORTATION DOCKET SECTION
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 96 APR 15 PM 4: 28

Application of

CONTINENTAL MICRONESIA, INC.

for amendment of frequency allocation
(Honolulu-Tokyo)

Docket OST-96-1199-b

ANSWER OF NORTHWEST AIRLINES, INC.
AND MOTION FOR LEAVE TO FILE ONE DAY LATE

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April 15, 1996

BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Application of	:	
	:	
CONTINENTAL MICRONESIA, INC.	:	Docket OST-96-1199
	:	
for amendment of frequency allocation	:	
(Honolulu-Tokyo)	:	
	:	

ANSWER OF NORTHWEST AIRLINES, INC.
AND MOTION FOR LEAVE TO FILE ONE DAY LATE

Northwest Airlines, Inc. ("**Northwest**") hereby submits this Answer to the Application of Continental Micronesia, Inc. ("**CMI**") filed on March 28, 1996, wherein **CMI** requests immediate elimination of the present limitation on the frequencies **CMI** may operate between Honolulu and Tokyo, or, in the alternative, an increase of seven additional weekly frequencies.' For the reasons set forth below, **CMI's** Application should be dismissed.

CMI's Application is extrabilateral since the authority sought is not available to **CMI** under the U.S.-Japan Civil Air Transport Agreement of 1952 and the existing Memoranda of Understanding between the United States and Japan. It is the Department's longstanding policy to dismiss extrabilateral route

¹ Northwest hereby respectfully requests leave to file this Answer one day late. Due to an inadvertent miscalculation of the due date, Northwest's Answer was not timely filed. Acceptance of this Answer will provide the Department with a more informed record on which to assess **CMI's** Application.

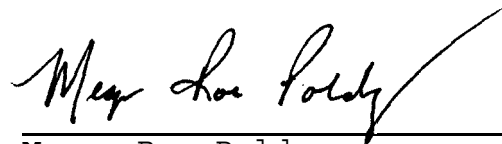
applications where bilateral negotiations are necessary before the proposed operations may be implemented.* Indeed, in 1989 when the Department was faced with circumstances similar to those here, it dismissed applications by both United Air Lines, Inc. and American Airlines, Inc. for extrabilateral authority to serve Chicago-Tokyo, concluding that the grant of such applications **"would** be inconsistent with the current aviation regime and would undermine our negotiation objectives." Applications of United and American, Order 89-4-6, April 4, 1989, p. 2.

WHEREFORE, in accordance with well-established Department policy and precedent with respect to the treatment of

² See e.g., Applications of Continental Airlines, et al., Order 93-6-6, June 11, 1993, pp. 6-7 (citing the Department's "longstanding practice" to "refrain from making extrabilateral route awards, save where we have reason to expect the foreign government to permit the operation on an extrabilateral **basis**"); U.S.-Vancouver Application, Order 87-8-52, August 24, 1987, p. 2 (**"where** limited entry routes not provided for in the bilateral are at issue, it is our general policy not to award U.S. carriers new route rights unless we have first obtained those rights from the foreign government involved@@); TWA Exemption Dismissal, Order 85-9-1, September 1, 1985, p. 3 (**"Our** general policy on **limited-**entry routes not provided for in bilateral aviation agreements is to negotiate new route rights in advance of awarding new certificate authority"); American Airlines, Chicago-London Dismissal, Order 85-4-44, April 9, 1985, p. 4 (**"we** believe this approach -- i.e., negotiate route rights first and then conduct a proceeding to select a carrier for the route -- is a sensible **policy.**").

applications for extrabilateral authority, the above-referenced Application of **CMI** should be dismissed.

Respectfully submitted,

A handwritten signature in black ink, reading "Megan Rae Poldy", with a long, sweeping horizontal line extending to the right.

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April 15, 1996

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April 1996, I served a copy of-the foregoing document of Northwest-Airlines on the following individuals by first class mail, postage prepaid:

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